Intermec Technologies Corp. v. Palm, Inc.
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EXHIBIT R

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC, etc., et al., Plaintiffs,	)
v.	) Case No. 05-03639 JW
GOOGLE, INC., Defendant.	)

DEPOSITION OF HOWARD STERN

August 16, 2006

227871

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

-----------------------------------x

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Case No. 05-03639 JW

GOOGLE, INC.,

Defendant.

-----------------------------------x

August 16, 2006

11:19 a.m.

VIDEOTAPED DEPOSITION of HOWARD STERN, taken by Defendant, pursuant to notice, held at the offices of Thacher Proffitt & Wood, 2 World Financial Center, New York, New York, before Amy E. Sikora, CRR, CSR, RPR, Certified Realtime Reporter, Certified Shorthand Reporter, Registered Professional Reporter, and Notary Public within and for the State of New York.

A P P E A R A N C E S:

WOLF POPPER LLP
Attorneys for Plaintiffs and the Proposed Class
845 Third Avenue
New York, New York 10022
BY: LESTER L. LEVY, ESQ.
MICHELE F. RAPHAEL, ESQ.

PERKINS COIE LLP
Attorneys for Defendant
180 Townsend Street
San Francisco, CA 94107-1909
BY: DAVID T. BIDERMAN, ESQ.
M. CHRISTOPHER JHANG, ESQ.

ALSO PRESENT:
THOMAS DELVECCHIO, Videographer

11:25 sir?

11:25 A. None that I haven't already given to my attorneys.

11:25 Q. Okay.

11:25 A. They were e-mails.

11:25 Q. Okay. E-mails between you and Google?

11:25 A. Yes.

11:25 Q. Okay. Anything else?

11:25 A. Don't recall sending anything else.

11:25 Q. Okay. And not to jump ahead, but I'm going to jump ahead to one thing. On the Google situation, did you use a credit card to pay for your advertising?

11:26 A. Yes, I did.

11:26 Q. Do you have those credit card statements?

11:26 A. No, I don't keep my credit card statements for very long, so I don't -- I don't have those.

11:26 Q. Okay. Do you have any that reflect any charges for Google advertising?

11:26 A. I'd have to look at home to see what the last month's bill had on it.

Q. Okay. You're still using Google today; right?

A. Yes. I'm still enrolled.

Q. Okay. And other than talking to Google about your situation with AdWords, have you sent any e-mails to anybody else about what your concerns are about the AdWords program?

A. Just my attorneys.

Q. Okay. No one else? No friends, family, et cetera?

A. No e-mails, no.

Q. Okay. Any communications in writing to anyone, other than your attorneys, about --

A. Nothing in writing.

MR. LEVY: Let him finish his question.

(Discussion off the record.)

A. Sorry.

Q. -- about issues related to the lawsuit? Okay.

And before you came here today,

11:32 MR. LEVY: You think he can understand the agreement, Mr. Biderman?
11:32 MR. BIDERMAN: I don't know. He can understand some numbers.
11:32 Q. Okay. Do you do any litigation consulting?
11:33 A. Not currently.
11:33 Q. But you have in the past?
11:33 A. Yes.
11:33 Q. How long ago?
11:33 A. I would say seven, eight years ago, perhaps.
11:33 Q. And what type of litigation consulting?
11:33 A. This was economics. It was a firm called Law and Economics Consulting Group. You should know of them, they're in Berkeley, Emoryville, California.
11:33 Q. Okay. Okay. Anything at all to do with computers?
11:33 A. No, no.
11:33 Q. Anything at all to do with contracts, agreements?
11:33 A. No.

C E R T I F I C A T E

STATE OF NEW YORK)

:ss

COUNTY OF NEW YORK)

I, AMY E. SIKORA, CRR, CSR, RPR, a Certified Realtime Reporter, Certified Shorthand Reporter, Registered Professional Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing deposition of HOWARD STERN was taken before me on the 16th day of August, 2006;

That the said witness was duly sworn before the commencement of the testimony; that the said testimony was taken stenographically by me and then transcribed.

I further certify that I am not related by blood or marriage to any of the parties to this action nor interested directly or indirectly in the matter in controversy; nor am I in the employ of any of the counsel in this action.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of August, 2006.

Amy Sikora

AMY E. SIKORA